

Senate Amendment 5129

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1 1 Amend Senate File 2364 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 232.125, Code 2007, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 6. A petition may contain a
1 7 request for an emancipation order. If the petition
1 8 contains a request for an emancipation order, the
1 9 request shall provide the following:
1 10 a. The child is at least sixteen years of age.
1 11 b. The child is a resident of this state.
1 12 c. The child is not in the care, custody, or
1 13 control of the state.
1 14 Sec. 2. Section 232.127, Code 2007, is amended by
1 15 adding the following new subsection:
1 16 NEW SUBSECTION. 11. If a petition contains a
1 17 request for an emancipation order and the court
1 18 adjudicates the family to be a family in need of
1 19 assistance, the court may enter any dispositional
1 20 order allowed under this section and may proceed as
1 21 provided in section 232.128 in addition to any
1 22 dispositional order entered under this section.
1 23 Sec. 3. NEW SECTION. 232.128 EMANCIPATION ==
1 24 EFFECT.
1 25 1. If after adjudicating the family to be a family
1 26 in need of assistance pursuant to section 232.127 the
1 27 court finds, by clear and convincing evidence, that no
1 28 remedy is available that would result in strengthening
1 29 or maintaining the familial relationship, the court
1 30 may enter an order emancipating the child.
1 31 2. An emancipation order shall have the same
1 32 effect as a child reaching the age of majority with
1 33 respect but not limited to the following:
1 34 a. The ability to sue or be sued in the child's
1 35 own name.
1 36 b. The right to enter into a binding contract.
1 37 c. The right to buy and sell real estate.
1 38 d. The right to establish a legal residence.
1 39 e. The right to incur debts.
1 40 f. The right to consent to medical, dental, or
1 41 psychiatric care.
1 42 3. An emancipation order shall have the same
1 43 effect as the child reaching the age of majority and
1 44 the parents are exempt from the following:
1 45 a. Future child support obligations relating to
1 46 the emancipated child.
1 47 b. An obligation to provide medical support for
1 48 the emancipated child, unless deemed necessary by the
1 49 court.
1 50 c. Tort liability for the actions of the child
2 1 after emancipation.
2 2 d. A right to the income or property of the
2 3 emancipated child.
2 4 e. A responsibility for the debts of the
2 5 emancipated child.
2 6 4. An emancipated child shall remain subject to
2 7 voting restrictions under chapter 48A, gambling
2 8 restrictions under chapter 99D, 99F, 99G, or 725,
2 9 alcohol restrictions under chapter 123, compulsory
2 10 attendance requirements under chapter 299, and
2 11 cigarette tobacco restrictions under chapter 453A.
2 12 5. An emancipated child shall not be considered an
2 13 adult for prosecution except as provided in section
2 14 232.8.
2 15 6. Notwithstanding section 232.147 through
2 16 232.151, the emancipation order shall be released by
2 17 the court subject to rules prescribed by the supreme
2 18 court.>
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2 22 _____
2 22 KEITH A. KREIMAN
2 23 SF 2364.301 82
2 24 jm/rj/11264

